

# United States Department of the Interior

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In Reply To:

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IM-2005-227

December 6, 2005

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Instruction Memorandum No. MT-2006-020  
Expires: 09/30/07

To: State Management Team

From: Deputy State Director, Division of Resources

Subject: Draft Guidance for Cultural Resource Investigations on Oil and Gas Projects  
DD: 12/15/2005

**Program Area:** Cultural Resources and Fluid Minerals

**Purpose:** The policy proposed in the attached draft guidance is aimed at clarification of current cultural resource requirements for oil and gas actions. These policy changes will result in time saving efficiencies for oil and gas companies by reducing the number of questions regarding the location and quality of cultural resource work.

## **Policy and Action:**

Please find attached proposed changes to IM No. MT-2003-051 to provide operators and their consultants with improved guidance regarding the conduct of cultural resource work for oil and gas lease operations and rights-of-way. The following is a summary of the primary changes in the proposed draft from the current guidelines effective in June 2003.

### **1. Linear Survey for Access Roads and Pipelines (Page 2)**

The area to be inventoried for pipelines remains unchanged. The width of the survey area for access routes is also unchanged as is the requirement for surveys from the well to the lease boundary and on public lands for which the operator must obtain a right-of-way. While the current guidance indicates survey is to be confined to areas where no road or trail exists and unimproved two-track trails, the proposed draft requires inventory of areas where no road or trail exists and trails and roads, other than crown-and-ditch.

Field monitoring demonstrated consultants most often identified existing unimproved two-tracks as “bladed trails” and they were not inventoried. The BLM staff are concerned that cultural resource sites contiguous to existing roads and trails are subject to adverse effects from road maintenance or travel outside of established two-tracks, if their location remains unknown and no protective actions are taken. They reached this conclusion after inventorying a number of existing roads where operators applied for rights-of-way in addition to monitoring numerous well access routes. Changing the requirement to inventory all but crown-and-ditch roads removes the subjectivity in determining what constitutes an unimproved two-track. Continued monitoring would be used to assess the effectiveness of the change.

The proposed guidelines also would require map data for pipeline and access route centerlines to be obtained via GPS. Some continuing delays in processing oil and gas applications are attributable to discrepancies between pipeline and access routes in cultural resource inventory reports vs. APDs, sundry notices, and right-of-way applications. In some cases, cultural resource inventory reports are delayed when the consultant waits for pipeline surveys to be prepared by another party. Also, because no official survey is required for access routes, the access shown in the inventory reports and the operators’ land use applications are approximate at best and well off the mark in some cases. If cultural resources are to be protected, the BLM must know their location relative to access routes with a reasonable degree of accuracy.

## **2. Determining Effects to Cultural Resources (Page 3)**

The BLM currently requires surface disturbance related to well development to be a minimum of 50 feet from the boundaries of cultural resources that meet the National Register criteria or have not been evaluated; centerlines for pipelines and access routes must be at least 35 feet from site boundaries. The proposed guidelines require a minimum of 100 feet between site boundaries and surface disturbance from well construction and 50 feet between site boundaries and the centerline of access routes and pipelines. This change is recommended based on monitoring results that indicate surface disturbance is often closer than requirements allow, threatening adverse effects to cultural resources. Because the full extent of some cultural resource sites cannot be known without archaeological testing, particularly in depositional environments, sites that could contain buried deposits are at risk if surface disturbance approaches too closely to boundaries defined by surface manifestations alone. In lieu of requiring testing in depositional areas (and the costs and delays associated with it), we recommend changing the standard for site avoidance with continued monitoring to assess the efficacy of the change.

## **3. Reporting Procedures (Pages 3-6)**

Reporting procedures are changed to reflect the draft changes for linear survey of access routes and distances to be maintained between surface disturbance and the boundaries of cultural resources. Minor editorial changes are also made.

## **4. Site Testing and Evaluation, Monitoring, Data Recovery, Timely Reporting (Pages 7-8)**

No changes are recommended in these requirements.

## 5. Requirements for Coal Bed Natural Gas (NPNG) Operations (Pages 8-9)

This section was added to provide some additional clarification regarding Coal bed Natural Gas projects. More emphasis is placed on the need to conduct block cultural resource inventories and to consider the potential for historic and/or cultural landscapes within the Tongue River Valley.

**Timeframe:** Comments on the draft guidance are due by December 16, 2005.

**Manual/Handbook Sections Affected:** Guidance will augment guidance contained in Handbook H-8110-1.

**Budget Impact:** None.

**Background:** The proposed changes in policy reflect the results of continued monitoring of cultural resource reports and field compliance reviews completed by BLM staff during the past 2 years. The modifications would improve the quality of information in cultural resource inventory reports, reduce delays in project approval, and lessen the potential for adverse impacts to cultural resources. A new section would clarify BLM requirements for coal bed methane operations. The policy changes are also in response to WO IM No. 2005-227, National Historic Preservation Act (NHPA) Section 106 and Oil and Gas Permitting.

**Energy Impact:** This policy as stated will have positive impacts on energy development.

**Coordination:** The purpose of this IM is to circulate the proposed guidance for review and coordinate with the parties that have primary responsibilities in cultural resource management and fluid minerals.

**Contact:** Please direct questions regarding this IM to Gary Smith, Deputy Preservation Officer, for Montana/Dakotas at 406-896-5214.

Signed by: Randy D. Heuscher, Acting DSD, Division of Resources

Authenticated by: Kathy Iszler, Staff Assistant (MT-924)

### 3 Attachments

- 1–Draft Cultural Resource Requirements for Oil and Gas Operations (9 pp)
- 2–Inventory Form for Negative Inventories and Small Scale Projects (2 pp)
- 3–Fieldwork Authorization Request/Notification of Records Search Completion Form (1 p)

Distribution: w/o Attms.

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